

# MURRAY DARLING BASIN ROYAL COMMISSION

On behalf of the Broken Hill and Far West NSW Regional community I present the following submission to the Murray-Darling Basin Royal Commission.

Broken Hill is one of Australia's iconic cities, in fact we hold the significant honour of being named Australia's First Heritage Listed City.

Broken Hill and the Far West NSW region has provided significant wealth to both NSW and the Commonwealth through 130 years of mining. As an isolated community we are resilient, innovative and face the many challenges you would expect in this area head-on.

One of our greatest challenges during our proud history has been that of water. Our existence and our capacity to grow and thrive as a city has been reliant on the Darling River System and, more importantly since the 1950s, the Menindee Lakes Scheme. So it has been with great community angst that we have had to fight so hard to ensure a permanent and sufficient surface water drinking supply for our region since the release of flows from the Menindee Lakes in late 2013.

Since the inception of the Menindee Lakes Scheme, we have seen the highs and lows during times of severe drought through to major floods. However, during these peaks and troughs we have almost been guaranteed a water supply which is now under threat as a result of the alleged mismanagement reported on the 4 Corners program, ABC Television, 30 July 2017.

I write to you in my role as Mayor of Broken Hill and as interim Chair of Region 4 of the Murray Darling Association (MDA).

The Menindee Lakes scheme is of vital importance to our economic, social and cultural fabric as a city and a region. In Broken Hill alone some 18,500 people are reliant on that scheme to provide the basic water necessities that would be taken for granted in any other city of a similar size and population. The Darling River is an icon of Australian culture, for both indigenous and non-indigenous people. It has huge importance environmentally and economically. Its environmental importance stems from its role as the connection between the rivers of the northern and southern basins, the only route for aquatic species migration. And that can only occur when there is water in the river, much less frequent now than before.

The Darling is important for fish, yabbies, aquatic invertebrates, water birds, mammals.

Its economic importance is much greater than just as a source for irrigation water:

The Darling River and its lakes can generate considerable economic returns from Tourism, but very little when there is no water.

The value of the river and lakes for recreation is huge. For the City of Broken Hill the river and lakes are important attractions for potential workers and for maintaining the size of the population. Having the water bodies within reach, for fishing, swimming, water skiing, camping can make all the difference between a pleasant place to live and living in a community with no natural water recreational facility.

When the Darling River is flowing, it also makes a huge difference in river towns such as Wilcannia where there is large unemployment and social problems.

On 26 July 2017, Broken Hill City Council endorsed the recommendation that Mayoral Minute No. 5/17 dated 26 July 2017, be received.

This Mayoral Minute consisted of the following:

1. That the Broken Hill City Council expresses its disgust at the betrayal of the people of western NSW and the reckless disregard for the Murray Darling Basin Plan which has been revealed by the Four Corners program.
2. That this Council supports the establishment of a Royal Commission or high level judicial inquiry of equal status into the abuse of water sharing plans and the theft of water intended for environmental use as revealed by the Four Corners report.
3. That the Broken Hill City Council calls on the NSW government as a matter of urgency to reinstate the Compliance Unit which was investigating water extraction in NSW and to report publicly on its findings as a matter of urgency as soon as they become available.
4. That the Council calls on the NSW Government to place an immediate moratorium on the construction of the Wentworth to Broken Hill water pipeline and, further, calls for the immediate release of the Business Plan that led to the decision to construct this pipeline.

The answer of number four is of considerable importance to Council as Council regards the Business Plan as a document that would provide informative background on how the decision to build a pipeline from the Murray River to Broken Hill was calculated. Council assumes that the report would include information about projected flows based on history and current calculations as well as the impact that the planned modifications to the Menindee Lake System would have on the security and accessibility of the water set aside for Broken Hill. Council would welcome an update on the latest plans around this project as it has been some time since the last advice.

The consequences and subsequent fall out of the 4 Corners investigation confirms Council's commitment to demanding answers to the questions:

- Was the decision to build the pipeline based on accurate data?
- Would other solutions have been more appropriate if the alleged over-harvesting of water in the Northern Basin not taken place?

Without the enforcement of regulatory controls and appropriate governance structures to protect the integrity of the system - how can the people of NSW have faith that the data that informed the decision was robust and correct?

- How does this confirm any future management decisions regarding the future of Menindee Lakes?

Again, if the water allegedly over-harvested in the Northern Basin and the water had run through the system - would the evaporation at Menindee Lakes be such a significant issue?

This call to action by Council was in direct response to the allegations raised in the 4 Corners program but Council also notes that these concerns have been raised in previous inquiries and submissions. In 2012, the Darling River Action Group in its response submission to the Murray Darling Basin Authority's Draft Murray Darling Basin Plan wrote:

*"For the Basin Plan to function, there must be adequate monitoring of extractions and sufficient compliance officers to ensure that large-scale water theft no longer occurs. It is essential that all large and medium-scale extractors of water be properly metered. It is also very desirable that environmental water be measured and its effectiveness monitored. Arrangements for this should be included in the Basin Plan or in an associated publication." (p8).*

The Darling River and its vast inland catchment has a long evolutionary history. The catchment has areas of the longest human habitation in Australia by Indigenous Nations which has been followed by a short but intense period of European occupation which has been characterized by rapid change in water, land use and existing flora and fauna.

For too long the Darling River has been taken for granted and it is time we, as a nation, stepped back and looked at the long term survival of the Darling River, its catchment area, its flora and fauna, and its people.

In recent years, given high growth in agricultural production and the intensifying of production of crops that in past decades could not be supported by natural water cycles in the Basin (hence the emergence of the mega storages), the people in Far West NSW question how much storage should be allowed and at what cost to the environment? There is a clear view in Far West NSW that the Darling River and the Menindee Lakes System have been let down by the general poor past practices of water management across the Basin. Decisions in both the North Basin and South Basin impact on the Lower Darling System.

*"Even though the region is no longer experiencing drought conditions and the NSW Government's pipeline from the Murray River (once complete) will secure Broken Hill's water supply into the future; extreme concern still exists that a return to the previous water release practices will again be at the detriment of our community's well-being." (Extract from Motion presented to the Annual Conference of the Western Division Councils of NSW held February 2017).*

The Western Division of Councils is a united voice of Councils representing more than 40 per cent of NSW and includes: Balranald Shire Council, Walgett Shire Council, Moree Plains Shire Council, Lachlan Shire Council, Cobar Shire Council, Central Darling Shire Council, Carrathool Shire Council, Broken Hill City Council, Brewarrina Shire Council, Bourke Shire Council and Wentworth Shire Council. As the third tier of government in Australia and the one most directly connected to the people, Local Government has a direct contribution to make in the processes, community consultation and the formulation of decisions made and taken in the continuing implementation of the management of the Murray Darling Basin. This is enhanced beyond measure when Local Government is working together Basin wide.

It is important that rigorous checks and balances are in place and that effective compliance and enforcement activities enable the community to have faith in the Basin Plan and in the State-run water sharing plans that support its implementation.

There are also concerns regarding the NSW Government response to why illegal earthworks upstream got a tick of approval. The response to this Question by WaterNSW is that when the NSW Government (DPI Water in the past and WaterNSW since July last year) has become aware of unapproved works, it has processes in place to ensure that they either become compliant or are removed. The Barwon-Darling Water Sharing Plan / Flood Management Plan provides for landowners who have earthworks that have already been built to have those works assessed for approval. "That approval will not be automatic – but rather any works will be assessed in the same way as any other application." How can illegal development works be considered for approval without due consideration for the illegality of the construction and impact on Basin flows?

Even though WaterNSW has filed proceedings in the Land and Environment Court on a range of matters around NSW including the allegations raised in the Four Corners episode and the NSW Government has established the Natura; Resources Access Regulator (NRAR) responsible for enforcement action, it appears that the previous regime has allowed water uses to follow the

This submission also endorses Council's commitment to the people of Broken Hill who have stated that water security is a number one priority in the Broken Hill Community Strategic Plan 2033 (CSP). The Key Directions outlined in the CSP of Our Economy and Our Environment state that the community will advocate for the continued supply of permanent, clean, affordable, reliable and sustainable secure and affordable quality water supply for the City. It also endorses that action will be taken action to secure the water supply in the Menindee Lakes System to provide protection to cultural and ecological interests and social and recreational opportunities for the City's residents and visitors to our region.

Council also supports:

1. The Murray Darling Association's call for Local Government to be given a formal role in decisions on the implementation of the Basin Plan to support its continuing implementation and avoid a repeat of the alleged problems revealed in the Four Corners report.
2. The establishment of the NSW Natural Resources Access Regulator, which would operate at arm's length from the department and make decisions on the handling of alleged serious offences, the introduction of the "no-metering, no pumping" rule, to ensure all irrigators install pumps and the removal of self-reporting mechanisms like log books to ensure that our community and the communities along the Murray Darling Basin have confidence in the management of the system.

In my capacity interim Chair of Region 4 of the Murray Darling Association (MDA) and as Mayor of Broken Hill City Council, the integrity of the water management in the Murray-Darling Basin is essential to the economic, social, cultural and spiritual health and wellbeing of our communities and to the ecological health of the nation. By way of background, the MDA is a membership-based peak representative organisation representing local government and the communities we serve across the Murray-Darling Basin since 1944. Built on a strong foundation of good governance, we work with and for member councils, in collaboration with State-based Local Government Associations including the Local Government Association of NSW, Municipal Association of Victoria, Local Government Association South Australia, Local Government Association Queensland, Regional Organisations of Councils, Joint Organisations and other Local Government affiliations.

The MDA provides members with the means and opportunity to actively participate in informing water policy, and provides state and Federal governments, the MDBA and other agencies with an opportunity to access community consultation and perspectives via a comprehensive community network coverage. Region 4's financial membership base comprises the Councils of Broken Hill City Council, Central Darling Shire Council, Mildura Rural City Council and Wentworth Shire Council. Region 4 of the MDA met on Monday 14 August 2017 in Wentworth, NSW, and resolved through a unanimous vote resolved the following:

- a. Request a meeting with the New South Wales Premier and Water Minister, and the NSW Opposition Leader and Shadow Water Minister to discuss the Menindee Lakes water management strategy, and request that local government have input into the review of NSW Water Resource Plans.
- b. Invite neighbouring MDA regions to participate in this process.
- c. That Region 4 call for the NSW Government to place an immediate moratorium on the construction of the Wentworth to Broken Hill water pipeline and make public the business case for the Wentworth to Broken Hill Water Pipeline prepared by New South Wales Department of Primary Industries.

This meeting took place in December 2017 and This meeting took place in December 2017 and in early February 2018 member Councils represented at the meeting (Broken Hill and Wentworth) received what was described as the Business case less any commercial in confidence or privileged information. From the Broken Hill City Council perspective, Council resolved that the document received would likely be as good as it was going to get and to now focus purely on the ongoing health of the Darling River system and the communities that live along it.

The allegations and subsequent inquiries and investigations are of major concern for the people of Western NSW and the Murray-Darling Basin community. Council anticipates significant changes will be made to protect the integrity of the system, water delivery to the people of Far West NSW and that the appropriate governance structures in place to protect the future of this national asset.

Thank you for the opportunity to make this submission and on behalf of the Broken Hill City Council I look forward to solid outcomes from the Royal Commission that improve the health and well-being Murray Darling River system.